



TTAB

75625090

March 6, 2007

David A. Allgeyer, Esquire
Lindquist & Vennum
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

RE: In the matter of Trademark Registration No. 2,390,988, et al.
Deposition of: Stuart Brady Utgaard

Dear David:

Enclosed is a copy of the deposition transcript of Stuart Brady Utgaard. In the back of this transcript, you will find a witness correction sheet. I ask that you make arrangements for the deponent to read the transcript and note on the correction sheet any changes or corrections, indicating the page(s), the line(s), and the change(s) that should be made.

Once this procedure has been completed, please have the deponent sign the correction page and forward the **ORIGINAL** signed correction page to Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202.

You have 30 days to complete this process. If you have any questions, please do not hesitate to contact our office.

Sincerely,


Amy Bartholomew
Production Manager

Enclosure/pm

CC: All counsel



03-08-2007

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark
Registration No. 2,390,988

For the mark SPORTSMAN'S
WAREHOUSE HUNTING FISHING
CAMPING RELOADING OUTERWEAR
FOOTWEAR and Design
Date registered: October 3, 2000

ORIGINAL

BASS PRO TRADEMARKS, LLC,

Cancellation No. 92045000

Petitioner,

vs.

SPORTSMAN'S WAREHOUSE, INC.,

Respondent.

~~~~~  
DEPOSITION OF DALE RICHARD SMITH  
~~~~~

TAKEN AT:

The Offices of

Sportsman's Warehouse, Inc.,
7035 High Tech Drive
Midvale, Utah 84047

DATE:

Tuesday, February 20, 2007

TIME:

11:43 a.m.

REPORTED BY:

Scott M. Knight, RPR

APPEARANCES

FOR PETITIONER:

DUTRO E. "BRUCE" CAMPBELL, II, ESQ.,

HUSCH & EPPENBERGER

190 Carondelet Plaza, Suite 600

St. Louis, Missouri 63105-3441

FOR RESPONDENT:

DAVID A. ALLGEYER, ESQ.,

LINDQUIST & VENNUM

4200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402

I N D E X

Witness

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Deposition of Dale Richard Smith

February 20, 2007

PROCEEDINGS

DALE RICHARD SMITH, called as a witness
for and on behalf of the Respondent, being first
duly sworn, was deposed and testified as follows:

EXAMINATION

BY-MR.ALLGEYER:

Q. Good morning. Please state your full
name for the record.

A. Dale Richard Smith.

Q. Mr. Smith, how are you currently
employed?

A. Sportsman's Warehouse.

Q. And what's your position?

A. My title is president.

Q. Okay. Tell me where you grew up.

A. Right here in Salt Lake City.

Q. All right. And where did you go to
school?

A. Brighton High.

Q. Okay. And you graduated from there.
And where did you work after that?

**A. I worked at the Heather Restaurant, and
then I went to work for Safeway grocery stores**

1 for about fifteen years.

2 Q. What did you do for them? Kind of work
3 your way up?

4 A. From bagger all the way up to assistant
5 manager.

6 Q. Okay. And then how about after that?

7 A. After that the Safeway division was
8 sold out in Salt Lake, and I went to work for
9 Shopko stores.

10 Q. Shopko. And what kind of work did you
11 do for them?

12 A. I was what was called a merchandise
13 manager.

14 Q. Okay. And what was your next position
15 after that?

16 A. One of my store managers that I had--I
17 knew from Safeway opened up his own grocery store,
18 and I went to work for him for a couple of years.

19 Q. Okay. And how about after that?

20 A. And then my father-in-law was--he
21 opened in 1986, but he had started to gain some
22 momentum and asked me to come work for him, so I
23 did some double duty. I went part time in
24 grocery and came full time on at Sportsman's. At
25 that time it was called Sports Warehouse.

1 Q. And about what year was that? Do you
2 remember?

3 A. 1991.

4 Q. Okay. And from 1991 to present, have
5 you worked your way up through the company?

6 A. Yes.

7 Q. I want to talk about--a little bit
8 about the growth of the company. And I want to
9 focus on the growth since the year 2000. Let's
10 go back a little further than that. Now, when
11 you first started working for what was then called
12 Sports Warehouse, which later became Sportsman's
13 Warehouse, there was just a single store in Utah?

14 A. Yes, one store. It was over on Third
15 West.

16 Q. Was that in Midvale?

17 A. Yes, just on the other side--Third
18 West, so it's not even a mile from here.

19 Q. Where we're sitting now is--

20 A. Became our new store at that time.

21 Q. Okay. All right. And what city are we
22 in now?

23 A. Midvale, Utah.

24 Q. And at some point in the history of
25 Sportsman's Warehouse, did it sort of start to

1 take off and grow, adding stores and so forth?

2 A. Not until Stu purchased it in 1996. I
3 mean, our takeoff was going from that small
4 10,000-square-foot store to 30,000-square-foot
5 store.

6 Q. And when Mr. Utgaard got involved, you
7 eventually went up to 58 stores?

8 A. Yes.

9 Q. Let's focus on the growth of
10 Sportsman's Warehouse business since 2000. Okay?
11 Can you just generally describe from your point of
12 view as someone involved in the business how it
13 grew--how the business grew since 2000?

14 A. It--Stu--when Stu purchased it back in
15 '96, he said, Stick with me and we're going to
16 move fast. And he has been correct to that word.
17 I mean, we've opened--basically grown almost 50
18 percent a year on store students. Last year we
19 did cut back a little bit. And I think our
20 growth percentage-wise is about 20 percent a year
21 now. Fifteen stores last year, and I believe we
22 had eight on the docket for this year.

23 Q. And how about geographically? How did
24 the store expand?

25 A. Well, first it was mainly in the

1 intermountain--Utah, Idaho, Colorado. And now
2 we're all the way from Alaska to South Carolina.

3 Q. Now, I'd like to talk to you a little
4 bit about sort of the products and services that
5 are available at Sportsman's Warehouse. In your
6 duties as president of Sportsman's Warehouse, have
7 you become familiar with the various products and
8 merchandise available in a typical Sportsman's
9 Warehouse retail store?

10 A. Yes.

11 Q. Okay. Now, by the way, are most of the
12 retail stores about as broad-ranged in merchandise
13 as others or are some stores broader range or how
14 does that work?

15 A. Maybe in fishing category, the mix
16 might be slightly different, but for the average
17 consumer, he wouldn't notice a difference. Stu
18 likes a cookie-cutter effect.

19 Q. All right. And so what are some of
20 the--give me some examples of some of the least
21 expensive products that are available in a
22 Sportsman's Warehouse.

23 A. Well, we sell candy bars at 50 cents
24 and flies at 89 cents and several items that are
25 in that dollar-or-under range.

1 Q. Okay. And is there sort of a middle
2 range of products available at this store?

3 A. Yes.

4 Q. Give me some examples of those.

5 A. Propane stove, \$39, and--I mean,
6 several. We have several price points with those
7 50,000 SKUs per store.

8 Q. Okay. How about the highest and most
9 expensive products available in a Sportsman's
10 Warehouse store? What would those be?

11 A. That would be probably be a firearm or
12 a safe. And they'd be in the \$2,000 range. And
13 we have been known to special-order firearms for
14 even more than that, so--

15 Q. And I think you told me this, but you
16 said something about--you gave me a number of
17 SKUs. First of all, what's a SKU?

18 A. Stock keeping unit, how we track the
19 sales and the history of a particular item.

20 Q. Okay. And how many different SKUs did
21 you say that you have in a typical store?

22 A. In a typical store, 50,000.

23 Q. Okay. And does the organization itself
24 have more SKUs than that?

25 A. Yes, we have--I believe like 160,000

1 **active SKUs.**

2 Q. And a SKU is just a way of referring to
3 a particular type of product? Is that the idea?

4 **A. Yes.**

5 Q. In 1994 and 1995, were you involved in
6 overseeing or working with the advertising for the
7 Sportsman's Warehouse--well, Sports Warehouse and
8 Sportsman's Warehouse stores?

9 **A. Yes, along with my father-in-law and my**
10 **wife.**

11 Q. Okay. Let's mark this Trial Exhibit
12 Smith 1.

13 Exhibit-1 marked

14 BY-MR.ALLGEYER:

15 Q. Okay. Showing you now--(To Mr.
16 Campbell) did I give you one?

17 MR. CAMPBELL: Yeah.

18 BY-MR.ALLGEYER:

19 Q. Okay. Showing you, showing you what's
20 been marked Trial Exhibit 1, Smith, do you
21 recognize that document as a Sportsman's Warehouse
22 advertisement from the Deseret News?

23 **A. Yes.**

24 Q. And if you look at the upper left,
25 there's a date. Can you please read that date

1 for the record?

2 **A. Thursday, June 15, 1995.**

3 Q. And did you in fact, as Sportsman's
4 Warehouse, run this ad on June the 15th, 1995, in
5 the Deseret News?

6 **A. Yes.**

7 Q. Okay. What's the Deseret News,
8 incidentally?

9 **A. At that time it was affiliated with**
10 **Salt Lake Tribune. It was just an evening**
11 **edition.**

12 Q. And The Salt Lake Tribune, is that a
13 newspaper of general circulation--

14 **A. Yes.**

15 Q. --in the Salt Lake area? Is that the
16 largest--

17 **A. Yes.**

18 Q. --circulation in the Salt Lake area?

19 Why did you choose the Deseret News as
20 one of the publications to advertise in?

21 **A. At that time, I mean, that just came**
22 **part of the package. We actually chose the**
23 **Tribune, but you get the ad in both papers.**

24 Q. Oh, I see. So you necessarily also had
25 this same ad in the Salt Lake City Tribune?

1 **A. Yes. It would have been the morning.**
2 **The Tribune was the morning edition; the Deseret,**
3 **the evening edition.**

4 MR. ALLGEYER: Let's mark this.

5 Exhibit-2 marked

6 BY-MR.ALLGEYER:

7 Q. I'm going to show you what I marked as
8 Smith Trial Exhibit 2. And, first of all, who is
9 William Hayes?

10 **A. He's the former owner and my father-in-**
11 **law.**

12 Q. Do you recognize his handwriting?

13 **A. Yes.**

14 Q. Is this document from the business
15 records of Sportsman's Warehouse?

16 **A. It appears to be, yes.**

17 Q. And do you recognize this as a document
18 signed by Mr.--

19 **A. --William T. Hayes.**

20 Q. Is that correct? You do recognize his
21 signature on here?

22 **A. Yes.**

23 Q. This appears to be a business
24 registration or DBA application for Sportsman's
25 Warehouse. Is that correct?

1 **A. Yes.**

2 Q. Okay. Now, do you recall that sometime
3 in 1994 and 1995 you made a determination to
4 change the name of Sports Warehouse to Sportsman's
5 Warehouse?

6 **A. Yes, I do.**

7 Q. Okay. And did you discuss that name
8 change with Mr. Hayes?

9 **A. A little bit. Mainly a lot of times**
10 **before he finally made the decision. I mean, I**
11 **was on the floor more so than he was, and we had**
12 **several customers that would come in looking for**
13 **athletics or golf clubs or baseballs and several**
14 **customers comment you ought to change the name to**
15 **"Sportsman's Warehouse." I think that's kind of**
16 **what started this.**

17 Q. And does this reflect that name change
18 or the process of that name change?

19 **A. Yes.**

20 Q. And was this formal business name
21 registration done at or about the time that you
22 were changing the name of the--of Sports Warehouse
23 to Sportsman's Warehouse?

24 **A. Yes.**

25 Q. Okay. Now, I note that there's--in the

1 lower left-hand corner, there's a certification
2 that this document was filed and approved on some
3 day or other, it looks like it's 2/1/95. Can you
4 make that out?

5 **A. That's what it looks like to me, 2/1/**
6 **95.**

7 Q. Does that look to be the same does that
8 fit in your time scheme of when you--

9 **A. Yes, it does.**

10 Q. --when the name was changed to
11 Sportsman's Warehouse?

12 (A discussion was held off the record.)

13 BY-MR.ALLGEYER:

14 Q. You might recall during your deposition
15 we had a discussion about people coming to Pacific
16 Flyway and finding themselves at Sportsman's
17 Warehouse to get goods at wholesale. Do you
18 recall that testimony at all?

19 **A. Yes, that was a common occurrence.**

20 Q. Can you just describe for the record
21 your best recollection of that common occurrence,
22 in other words, what--how that would happen?

23 **A. Well, a lot of times mainly at this**
24 **location because we were right next to each other,**
25 **a customer would go into Pacific Flyway, I would**

1 get a call from Gerald Christensen, saying he
2 needs this, he needs that, he needs such-and-such,
3 do you have it. And I would search it out and
4 call him back: "Yes, I have these goods," and he
5 would make the sale over at Pacific.

6 Q. Okay. And would the goods then come
7 from the Sportsman's Warehouse?

8 A. Yes.

9 Q. And would they--they would be sold at
10 the price that you would be giving to other
11 retailers as opposed to what you would give to a
12 customer. Is that right?

13 A. Yes.

14 Q. Have there been other examples of
15 selling goods that you're aware of at wholesale
16 prices from Sportsman's Warehouse over the years?

17 A. Yes, a few.

18 Q. Can you give me a few examples of
19 those?

20 A. The one that comes to mind that happens
21 mainly every Christmastime is work where for
22 contractors--and is mainly Carhartt jackets or
23 bibs that they like to give their crew. And we
24 offer them at a pretty good discount depending on
25 volume.

1 Q. And then when Sportsman's Warehouse was
2 in its sort of earlier days, did you find
3 yourself ever supplying goods to other--apart from
4 what happened at Pacific Flyway?

5 **A. Right.**

6 Q. But to other retailers in the sporting
7 goods industry?

8 **A. Yes. We were a common source for a lot**
9 **of mom-and-pop shops.**

10 Q. Okay. Tell me how that would work.
11 When would they come to buy the goods?

12 **A. Inside the store, fill up their basket**
13 **and they would ask for a discount. And to them,**
14 **that was wholesale pricing.**

15 Q. And then they would, as far as you
16 understood, then, retail it to others?

17 **A. Yes, they did.**

18 Q. And did they tell you that they were in
19 the business that's what they were doing?

20 **A. Yes, they did.**

21 Q. Did you know some of them personally?

22 **A. I did not.**

23 Q. In the recent couple of years, have you
24 taken some steps at Sportsman's Warehouse to
25 oversee the way in which your logos and marks are

1 used?

2 A. Yes.

3 Q. And give me an example of some of the
4 things you've done to standardize use of your
5 logos and marks.

6 A. Well, the biggest thing, anything that
7 goes into print has to be okayed by Rich Coles in
8 our advertising department. And Rich also sent
9 out just basically a correct way and a wrong way
10 of our logo, and the way it's been in print over
11 a period of time.

12 Q. Okay. And have you either--either at
13 your direction or with your permission, are you
14 aware of any training that Mr. Coles has done of
15 store managers on how to use the logo correctly
16 and how not to use it?

17 A. Just with that sheet that he sent out.
18 And then, you know, if he happened to see it, he
19 would call them directly and say, Hey, that's not
20 the right logo.

21 Q. And is it your policy to correct any
22 errors or problems?

23 A. Yes.

24 Q. That are made in use of your trademark
25 or logo or use of the registered symbol?

1 **A. Absolutely.**

2 Q. Okay. As far as you know, has anybody
3 on behalf of Sportsman's Warehouse intentionally
4 misused the registered federal registration
5 symbol, circle R, to try to fool people about
6 whether you had a federal registration for a mark
7 or not?

8 **A. No.**

9 Q. Would you have any reason to do that?

10 **A. No.**

11 MR. ALLGEYER: That's all I have. You
12 may cross--you may inquire.

13 EXAMINATION

14 BY-MR.CAMPBELL:

15 Q. Okay. I just have a few quick
16 questions. You don't have any documentation of
17 any specific wholesale sales made by Sportsman's
18 Warehouse. Do you?

19 **A. I, I myself do not.**

20 Q. Okay. You're not aware of Sportsman's
21 Warehouse, the company actually keeping a record
22 of any wholesale sales being made. Is that
23 correct?

24 **A. No, we don't.**

25 Q. Okay. You don't have any wholesale

1 price listings that are maintained by Sportsman's
2 Warehouse for sales of its goods. Is that right?

3 **A. No, we do not.**

4 Q. Okay. And you don't have any
5 Sportsman's Warehouse wholesale customer list.
6 Correct?

7 **A. No.**

8 Q. Okay. You had kind of described a
9 couple different, I guess, tiers of product
10 pricing in this Sportsman's Warehouse stores. You
11 remember giving some testimony on that a few
12 minutes ago?

13 **A. Tiers?**

14 Q. Well, you had mentioned there were some
15 very inexpensive items under a dollar--

16 **A. Okay. Yes.**

17 Q. --there were some more mid-level-price
18 products, and then there were the upper-end
19 products such as firearms and safes. Do you
20 remember that?

21 **A. Yes.**

22 Q. Okay. Isn't it true that the bulk of
23 the products would probably fall in the category
24 of the less-expensive items or the mid-level-price
25 products as opposed to the firearms and safes that

1 price at about a couple thousand dollars?

2 **A. Yes.**

3 Q. Okay. You--would it be--it's fair to
4 say that a small percentage of your sales are
5 made up of the higher-end items like very
6 expensive firearms and safes. Is that correct?

7 **A. That's fair to say, I would guess, I**
8 **mean, the firearms is a big part of our business,**
9 **but I mean, our average ticket is 60 bucks.**

10 Q. Okay. That's all the questions I have.
11 Actually, let me just--let me flip through here
12 real quick just to make sure.

13 Oh, okay. Looking back at what was
14 marked as Exhibit No. 1--

15 **A. Yes.**

16 Q. --you identified this as a June 15,
17 1995, Sportsman's Warehouse advertisement. Are
18 you aware of any other--or do, do you have in
19 your possession any other Sportsman's Warehouse
20 advertisements that predate this one that's been
21 marked as Exhibit No. 1?

22 **A. We tried, but we do not.**

23 Q. Okay.

24 **A. We know this--we advertise every year**
25 **on Father's Day, and so we knew where to look,**

1 but the Christmas ad said Sports.

2 THE REPORTER: The Christmas ad--

3 THE WITNESS: Ad, yes.

4 THE REPORTER: Said Sports?

5 THE WITNESS: Yeah, Sports Warehouse
6 instead of Sportsman.

7 FURTHER EXAMINATION

8 BY-MR.ALLGEYER:

9 Q. Just one follow up: Do you typically
10 run ads between Christmas and Father's Day?

11 A. No.

12 MR. ALLGEYER: Okay. That's all,
13 thanks.

14 THE REPORTER: A copy of this one, did
15 you want?

16 MR. CAMPBELL: Yes, please.

17 (Deposition concluded at 12:03 p.m.)

18 .

19 .

20 .

21 .

22 .

23 .

24 .

25 .

CERTIFICATE

This is to certify that the foregoing deposition was taken before me, SCOTT M. KNIGHT, a Registered Professional Reporter and Notary Public in and for the State of Utah, residing at South Jordan, Utah;

That said witness, DALE RICHARD SMITH, was duly sworn, in person before me, to testify the truth, the whole truth, and nothing but the truth;

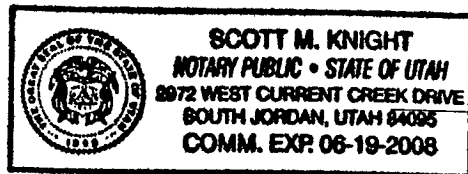
That said deposition was taken in the presence of counsel for Petitioner and Respondent;

That said deposition took place at 7035 High Tech Drive, Midvale, Utah, on Tuesday, February 20, 2007, at the hour of 11:43 a.m.;

That said deposition was taken down by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true, and correct transcription of said testimony so taken and transcribed is set forth in the foregoing pages.

I certify that I am not disqualified as specified in Rule 28 of the Federal Rules of Civil Procedure.

1 I further certify that I am not of kin
2 or otherwise associated with any of the parties to
3 said cause and am not interested in the event
4 thereof.



Scott M. Knight
Scott M. Knight, RPR
Utah License No. 110171-7801

<p>A</p> <p>Absolutely 17:1</p> <p>active 9:1</p> <p>ad 10:4,23,25 20:1,2,3</p> <p>adding 6:1</p> <p>ads 20:10</p> <p>advertise 10:20 19:24</p> <p>advertisement 2:24 9:22 19:17</p> <p>advertisements 19:20</p> <p>advertising 9:6 16:8</p> <p>affiliated 10:9</p> <p>ago 18:12</p> <p>Alaska 7:2</p> <p>ALLGEYER 2:10,19 2:21 11:4 17:11 20:12</p> <p>anybody 17:2</p> <p>apart 15:3</p> <p>APPEAL 1:2</p> <p>APPEARANCES 2:1</p> <p>appears 11:16,23</p> <p>application 2:25 11:24</p> <p>approved 13:2</p> <p>area 10:15,18</p> <p>asked 4:22</p> <p>assistant 4:4</p> <p>associated 22:2</p> <p>athletics 12:13</p> <p>available 7:5,8,21 8:2,9</p> <p>average 7:16 19:9</p> <p>aware 14:15 16:14 17:20 19:18</p> <p>a.m 1:17 21:16</p>	<p>broad-ranged 7:12</p> <p>BRUCE 2:4</p> <p>bucks 19:9</p> <p>bulk 18:22</p> <p>business 2:25 6:10,12 6:13 11:14,23 12:20 15:19 19:8</p> <p>buy 15:11</p> <p>BY-MR.ALLGEYER 3:8 9:14,18 11:6 13:13 20:8</p> <p>BY-MR.CAMPBELL 17:14</p>	<p>concluded 20:17</p> <p>consumer 7:17</p> <p>contractors 14:22</p> <p>cookie-cutter 7:18</p> <p>copy 20:14</p> <p>corner 13:1</p> <p>correct 6:16 11:20,25 16:9,21 17:23 18:6 19:6 21:20</p> <p>correctly 16:15</p> <p>counsel 21:13</p> <p>couple 4:18 15:23 18:9 19:1</p> <p>crew 14:23</p> <p>cross 17:12</p> <p>currently 3:12</p> <p>customer 13:25 14:12 18:5</p> <p>customers 12:12,14</p> <p>cut 6:19</p>	<p>document 9:21 11:14 11:17 13:2</p> <p>documentation 17:16</p> <p>doing 15:19</p> <p>dollar 18:15</p> <p>dollars 19:1</p> <p>dollar-or-under 7:25</p> <p>double 4:23</p> <p>Drive 1:14 21:15</p> <p>duly 3:6 21:9</p> <p>duties 7:6</p> <p>DUTRO 2:4</p> <p>duty 4:23</p>	<p>fifteen 4:1 6:21</p> <p>filed 13:2</p> <p>fill 15:12</p> <p>finally 12:10</p> <p>find 15:2</p> <p>finding 13:16</p> <p>firearm 8:11</p> <p>firearms 8:13 18:19,25 19:6,8</p> <p>first 3:5 5:11 6:25 8:17 11:8</p> <p>fishing 1:5 7:15</p> <p>fit 13:8</p> <p>flies 7:24</p> <p>flip 19:11</p> <p>floor 12:11</p> <p>Flyway 13:16,25 15:4</p> <p>focus 5:9 6:9</p> <p>follow 20:9</p> <p>follows 3:6</p> <p>fool 17:5</p> <p>FOOTWEAR 1:6</p> <p>foregoing 21:3,22</p> <p>formal 12:20</p> <p>former 11:10</p> <p>forth 6:1 21:21</p> <p>full 3:9 4:24 21:19</p> <p>further 2:21 5:10 20:7 22:1</p>
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GIFT CERTIFICATES AVAILABLE

HUNTING • FISHING • CAMPING • ARCHERY
• RELOADING • OUTERWEAR • FOOTWEAR

7035 SOUTH 185 WEST MIDVALE

STORE HOURS
MON-FRI 9 AM - 6 PM SAT 9 AM - 5 PM CLOSED SUNDAY

Map: A map showing the location of the store at the intersection of South 185 West and Midvale. The store is located on the corner of South 185 West and Midvale. The map also shows the intersection of South 185 West and South 185 North, and the intersection of Midvale and South 185 West. A north arrow is also present.

ENGAD 800-631-6989

DEPOSITION
EXHIBIT

TR-1

Smith

SP 00599

DEPOSITION
EXHIBIT
TR-2
Smith



State of Utah
DEPARTMENT OF COMMERCE

BUSINESS NAME REGISTRATION/or DBA APPLICATION

It is your responsibility to check for conflicts with federally registered trademarks. Registration of this name does not guarantee exclusive right to nor protection against unauthorized use of this name.

•When approved, your business name is registered for 3 years•

Do not use this form if this business will need new state tax registration

1. Requested Business Name SPORTSMAN'S WAREHOUSE
2. Nature of Business sporting goods
3. Business Address 7035 South 185 West Midvale Ut 84047
Street City State Zip
4. THIS SECTION MUST BE COMPLETED:

William Hayes
Print Name of Registered Agent (to whom all mailings
will be sent.) Must be a UTAH RESIDENT.

William Hayes
Signature of Accepting Agent
801 566-6681
Daytime Phone Number

7035 S. 185 W. Midvale UTAH 84047
Street Address ONLY City State Zip

INFORMATION ABOUT YOU, THE APPLICANT:

- A. If you are a corporation, limited partnership or limited liability company, you must be in good standing and incorporated, or be registered or qualified in the state of Utah.
- B. If you are a general partnership, your general partnership name must also be registered with this office.
- C. If you are not a corporation and not a partnership and not a new business, this application is the only one you must file for a business name. Additional forms may be required for tax purposes for a new business.

5. APPLICANT INFORMATION:

If the name of the agent above is also the applicant, Please write "Same As Above": Same as above

X Sports Warehouse, Inc. Call 130029

If Applicant is business entity, Please print name of business.

Individual Person Name 7035 S. 185 W. Midvale UT 84047
Address City State Zip
X William Hayes President
Signature and Title

If Applicant is business entity, Please print name of business.

Individual Persons Name
Address City State Zip

State of Utah
Department of Commerce
Division of Corporations and Commercial Code

I hereby certify that the foregoing has been filed
and approved on the 12 day of 12, 1998
in the office of this Division and hereby issue
this Certificate thereof.

Examiner [Signature] Date 12/15/98
Karla Woods
KARLA T. WOODS
Division Director

FEE \$20.00

STATE OF UTAH
DIVISION OF CORPORATIONS
AND COMMERCIAL CODE
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Fax (801) 530-6438